

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS PHILLIP BUSH,

Petitioner,

v.

Case No. 04-74609
Honorable Victoria A. Roberts

PAUL RENICO,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION
DENYING PETITION FOR WRIT OF HABEAS CORPUS

This matter is before the Court on Petitioner's objections to the Report and Recommendation ("R&R") of Magistrate Morgan, recommending denial of Petitioner's petition for writ of habeas corpus pursuant to 28 USC § 2254. After reviewing the Petitioner's objections, the Court **ADOPTS** the R&R and **DENIES** Petitioner's petition for writ of habeas corpus.

The grounds raised by Petitioner in his petition are denied for the reasons set forth in the R&R. Additionally, the Petitioner raises a new objection, judicial misconduct.

The Petitioner alleges judicial misconduct against Magistrate Morgan for a litany of alleged errors. Petitioner's claims of error are without merit. The discovery rules cited by Petitioner in his objection do not apply to the facts a magistrate must include in

her opinion. [Petitioner's Objection, p.1]. Further, a magistrate is free to agree with the findings of fact in state court decisions based on the record before her.

For the reasons set forth in the R&R and as described above, the Court
ADOPTS the R&R and **DENIES** Petitioner's petition for habeas corpus.
IT IS SO ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 4, 2005

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 4, 2005.

s/Carol A. Pinegar
Deputy Clerk